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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY LAW

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL HOME LOAN MORTGAGE
CORPORATION, et al.,

vs. Plaintiffs,

BUDHI DARMAWAN, et al.,

Defendants.

CASE NO. SACV 12-01704 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because defendants Budhi Darmawan and Kim Xuyen Dang, ("Defendants") removed it improperly.

On October 3, 2012, Defendants, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and one of the Defendants, Budhi Darmawan, also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 Simply stated, Plaintiff could not have brought this action in federal court in the
2 first place, and Defendants do not competently allege facts supplying either diversity or
3 federal-question jurisdiction. Therefore, removal is improper. 28 U.S.C. § 1441(a); *see*
4 *Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L.
5 Ed. 2d 502 (2005). Even if complete diversity of citizenship exists, the amount in
6 controversy does not exceed the diversity-jurisdiction threshold of \$75,000. *See* 28
7 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that
8 the amount in controversy does not exceed \$10,000.

9 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
10 28 U.S.C. §§ 1331, 1441(b).

11 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
12 Superior Court of California, Orange County, West Justice Center, 8141 13th Street,
13 Westminster, CA, 92683, for lack of subject matter jurisdiction pursuant to 28 U.S.C.
14 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3)
15 that the Clerk serve copies of this Order on the parties.

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17 IT IS SO ORDERED.

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19 DATED: 10/12/12

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22 _____
23 GEORGE H. KING
24 CHIEF JUDGE
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